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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,044	03/03/2006	Takashi Oku	07583400553	1699
33448 7590 09/21/2007 ROBERT J. DEPKE LEWIS T. STEADMAN ROCKEY, DEPKE & LYONS, LLC SUITE 5450 SEARS TOWER CHICAGO, IL 60606-6306			EXAMINER ZETTL, MARY E	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/571,044	Applicant(s) OKU ET AL.	
	Examiner Mary Zettl	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006 and 25 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6, 7, 9, 12-19, and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) 12-15, 18, 19 and 21-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 7, 9, 16, and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/3/2006, 9/8/2006, and 1/3/2007.

### **DETAILED ACTION**

1. Applicant's election of claims 1,2,4, 6, 7, 9,12-19, and 21-35 in the reply filed on 8/27/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Drawings***

2. Figures 1A-C as well as other prior art drawings should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1 and 7 are objected to because of the following informalities:

Regarding claim 1, in lines 4-5 "the liquid crystal display device" lacks antecedent basis.

Claim 7, is objected to. It is not clear how the focusing layer integral with the diffusion layer (as stated in claim 6) and having a prismatic shape functions so as to focus the light. Furthermore the drawings fails to illustrate the claimed focusing layer. The examiner has interpreted this to mean that the focusing layer is one and the same with the diffusion layer. Even though this appears to contradict itself, the examiner has assumed that the light is initially focused into the prismatic shape (by the surface boundary) and then once inside the prism is diffused throughout the prismatic shape. The specification fails to clarify the confusion around the focusing layer.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 6, 9, 16, and 17 are rejected under 35 U.S.C. 102(b) s being anticipated by Saito (JP 407181308 A).

Regarding claims 1, 2, and 16, Saito discloses a backlight characterized by comprising alight source (1), and a diffuser (8 and 9) disposed between the light source

and a liquid crystal display device (2), wherein the diffuser includes a diffusion layer (8) and a light distribution layer (9) having a prismatic layer and being integrally formed with the diffusion layer and disposed more toward the liquid crystal display device than the diffusion layer, for distributing the light diffused by the diffusion layer toward the liquid crystal display device, wherein the diffusion layer includes a diffusion element (paragraph 14), and wherein a first resin forming the light distribution layer, and the portion of the diffusion layer excluding the diffusion element is different from a second resin forming the diffusion element (paragraph 24 of translation).

Regarding claim 4, Saito further discloses the first resin and the second resin being resin materials having a refractive index ranging from 1.2 to 1.7 (see paragraph 24, which describes materials, these materials are known to have refractive indexes following in the claimed range).

Regarding claims 6, 9, and 17, Saito further teaches the diffuser comprising a light focusing layer (8b) for focusing the light emitted from the light source, formed integrally with the diffusion layer, and disposed more toward the light source than the diffusion layer (Drawing 1), and being composed of the previously mentioned first resin (paragraph 24).

5. Claims 1, 6, and 7 (as best understood) are rejected under 35 U.S.C. 102(e) as being anticipated by Yu et al. (US 2004/0114065 A1).

Regarding claims 1, 6, and 7, Yu et al. disclose a backlight characterized by comprising a light source (24), and a diffuser (282 and 284) disposed between the light source and a liquid crystal display device (30), wherein the diffuser includes a diffusion

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layer (282) and a light distribution layer (284) being integrally formed with the diffusion layer and disposed more toward the liquid crystal display device than the diffusion layer, for distributing the light diffused by the diffusion layer toward the liquid crystal display device, wherein the diffusion layer includes a diffusion element (material making up prism), and wherein a first resin forming the light distribution layer, and the portion of the diffusion layer excluding the diffusion element is different from a second resin forming the diffusion element. Wherein the diffuser further comprises a light focusing layer (282) formed integrally with the diffuser layer, disposed more toward the light source than the diffusion layer (Figure 1), and having a prismatic shape on the surface thereof facing to the light source (Figure 1).

### ***Conclusion***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is 571-272-6007. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MZ

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800